

COUNCIL AGENDA ITEM # \_\_\_\_ FOR  
TUESDAY, MARCH 30<sup>TH</sup>, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
March 22, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 100 Anita Circle (Rep. District #3)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated October 17<sup>th</sup>, 2003. The building was found to be in an advanced state of disrepair.
- 2) A certified condemnation letter was mailed to Vincenta Calderon (Owner), 100 Anita Circle, El Paso, Texas 79905-0000 on November 4<sup>th</sup>, 2003.
- 3) Certified notices of the public hearing scheduled March 30<sup>th</sup> were mailed to the owners and all interested parties on March 5<sup>th</sup>, 2004.
- 4) There has been no response from the owner.

The Department recommends that it be found:

- 1) That the main structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can not be repaired; and
- 5) That the main structure be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

## NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 30<sup>th</sup> day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 100 Anita Circle, in El Paso, Texas, which property is more particularly described as:

Lot: 54, Corbin's Replat

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Vincenta Calderon, 100 Anita Circle, El Paso, Texas 79905, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

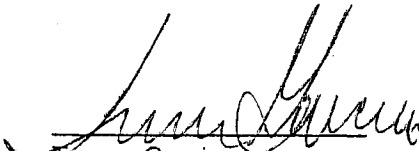
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

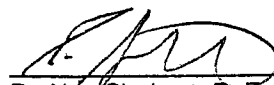
According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 24<sup>th</sup> day of February, 2004.

APPROVED AS TO FORM:

  
Teresa Garcia  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
R. Alan Shubert, P. E.  
Building Permits and Inspections Director



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** 10/17/2003

**REP. DISTRICT:** 3

**ADDRESS:** 100 Anita Way

**ZONED:** R-4

**LEGAL DESCRIPTION:** Lot: 54, Subdivision: Corbin Replat (8025 SQ FT)

**OWNER:** Vicenta Calderon

**BUILDING USE:** Open and abandoned unsafe main structure in the front of the property used as a single-family dwelling.

**TYPE OF CONSTRUCTION:** Type V, Conventional wood framed covered with stucco, adobe covered with stucco and native stone rubble masonry covered with stucco

**FOOTINGS:** Reinforced concrete and concrete spot footings.

**CONDITION:** Very Poor and dangerous, unable to determine the condition due to the footings being covered or in the ground, However, The condition of the exterior walls indicates probable failure. The few that are visible are in an advanced state of disrepair.

**FOUNDATION WALL:** Concrete masonry units, (CMU)

**CONDITION:** Very Poor, due to an unstable foundation; there are noticeable structural cracks on the walls.

**FLOOR STRUCTURE:** Post and beam with plywood sub-flooring, concrete slab on grade.

**CONDITION:** There are visible signs of structural deficiency throughout the structure; however, the floor in the structure is covered with 1" X 3" tongue and groove wood floor cover. A registered building contractor must be hired to evaluate the flooring system and submit a report on the actions needed to correct the situation.

**EXTERIOR WALLS:** Conventional wood framed 2" X 4" studs with stucco covered exterior and native stone rubble masonry covered with stucco.

**HEIGHT:** 10 Feet

**THICKNESS:** 7 to 12 inches

**CONDITION:** Very Poor – Due to a lack of maintenance, exposure to the elements and an apparently damaged foundation, the front portion of the wall system is failing. A structural engineer must be hired to evaluate the system and submit a report and recommend corrections.

**100 Anita Circle**

**INTERIOR WALLS & CEILINGS:** 2" X 4" wood studs with ½" plasterboard and/or stucco  
**CONDITION:** Poor – The walls will need to be rebuilt and/or repaired, plastered and painted.

**ROOF STRUCTURE:** Wood trusses with asphalt shingle roofing  
**CONDITION:** Poor – Due to poor or no maintenance at all, a registered roofing contractor and/or building contractor must be hired to evaluate the roofing system and submit a report of needed corrections to bring building into code compliance.

**DOORS, WINDOWS, ETC.:** Wood doors and wood casement windows.  
**CONDITION:** Poor – Will need to replace some of the doors and/or repair or replace windows.

**MEANS OF EGRESS:** Does not meet code requirements.  
**CONDITION:** Poor – Windows need replacing or repairs done to make them operational.

**PLUMBING:** No service - A licensed Plumbing contractor must be hired to evaluate the plumbing system and submit a report on corrections needed to bring the system into compliance.

**ELECTRICAL:** No service - A licensed Electrical contractor must be hired to evaluate the electrical system and submit a report of the corrections needed to bring the system into compliance.

**MECHANICAL:** No service – A licensed Mechanical (HVAC) contractor must be hired to evaluate the system and submit a report on corrections needed to bring the system into compliance.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** 0

**WARNING POSTED:** NO      **BARRICADED:** NO      **POLICE AID REQD.:** NO

**REMARKS:** This is an unsafe open and abandoned single-family residence. The structure has an apparent unstable soil condition that is visible as you enter the building from the front door. The foundation, footings and all other support elements are showing signs of advanced deterioration. The department recommends the following:

- 1) The certificate of occupancy be revoked.
- 2) A registered structural engineer be hired to evaluate foundation system, exterior wall system and soil composition and submit a report on the conditions and required corrections needed to make the structure safe and bring it into code compliance.
- 3) This structure is to be secured from unauthorized entry until it has been determined if it can be rehabilitated and maintained secure until either rehabilitation or demolition has taken place.
- 4) Clean lot of all debris, trash and weeds and maintain lot clean of all debris, trash and weeds.

100 Anita Way

- 5) Hire the appropriate contractors for the various building component systems to inspect, evaluate and submit a report of the corrections needed to bring each system into compliance.
- 6) If structure is to be rehabilitated, all required documents must be submitted for approval and all required permits must be obtained.

A handwritten signature in cursive script, reading "Wayne Fannin".

**Wayne Fannin**  
**Building Inspector**

**JOE WARDY**  
MAYOR



**CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING Jr.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY COBOS**  
DISTRICT NO. 8

**BUILDING PERMITS AND INSPECTIONS**  
**CODE COMPLIANCE**  
November 3, 2003

Vicenta Calderon  
100 Anita Circle  
El Paso, Texas 79905-0000

Re: 100 Anita Circle  
Lot: 54  
Blk: Corbin Replat  
Zoned: R-4  
COD03-16461  
Certified Mail Receipt #  
7003 1010 0004 5304 0561

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

100 Anita Circle

- c. Boarded up, fenced, or otherwise secured in any manner in if:
  - i. The building constitutes a danger to the public even though secured entry, or
  - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 100 Anita Circle has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. In the event you fail to correct these violations within 30 days, the case will be submitted to the City Attorney's Office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated, secured, repaired or demolished as per Sec. 18.52.040.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.



100 Anita Circle

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in cursive script that reads "Wayne Fannin".

Wayne Fannin  
Building Inspector

WF/rl

7003 1010 0004 5304 0561

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**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only: No Insurance Coverage Provided)

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**OFFICIAL USE**

Postage \$		Postmark Here
Certified Fee	NOV 04 2003	
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Vicenta Calderon  
100 Anita Circle  
El Paso, Texas 79905-0000  
Re: 100 Anita Circle

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **WF**  
  
Vicenta Calderon  
100 Anita Circle  
El Paso, Texas 79905-0000  
Re: 100 Anita Circle

2. Article Number (Transfer from service label) **7003 1010 0004 5304 0561**

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature **X** ☐ Agent ☐ Addressee

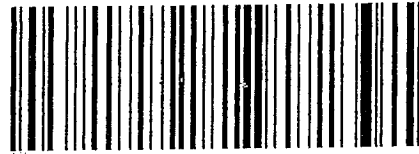
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

**CERTIFIED MAIL™**



7003 1010 0004 5304 0561



The City of El Paso  
Two Civic Center Plaza  
El Paso, Texas 79901-1196  
**Building Permits and Inspection  
Code Enforcement**



RETURN RECEIPT REQUESTED

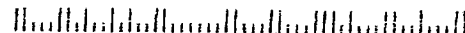
**UNCLAIMED**

Vicenta Calderon  
100 Anita Circle  
El Paso, Texas 79905-0000



**WF**  
**11-5-03**  
**EX-16-03**  
**12-23-03**

79903+3000 79901/1196




**WF**

**EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT**

**ENVIRONMENTAL HEALTH**

**M E M O R A N D U M**

**DATE:** November 7, 2003  
**MEMO TO:** Tom McGuire, Housing Compliance Supervisor  
**FROM:** Jorge Ramirez, Sr. Environmental Health Inspector   
**SUBJECT:** Condemnation Report  
**RE:** 100 Anita Cir. 79915

An inspection of the property was conducted on November 6, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE STORAGE AREA:**  
N/A

**SECTION 9.04.340 - ACCUMULATIONS:**  
Of old clothes, debris and two disabled vehicles was seen on the side and rear of the house.

**SECTION 9.16 - NUISANCE:**  
N/A

**SECTION 9.16.010 - DESIGNATED:**  
N/A

**SECTION 9.28 - RAT CONTROL:**  
There are two structures on the property. The structures are decaying.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

AMT DUE AS OF: 20040322 ROLL R ALT OWN  
UNITS:01 03 06 07 08  
CALDERON, VICENTA  
CORBIN REPLAT  
LOT 54  
100 ANITA CIR (8025 SQ FT)

EL PASO			TX 79905-0000					
ACRES .1842			PARCEL ADDRESS			100 ANITA		
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE	
2003	47313		1431.32	12/18/2003		1431.32	.00	
2002	47313		1421.69	12/16/2002		1421.69	.00	
2001	47313		1403.21	12/28/2001		1403.21	.00	
2000	46290	Y	1085.21	01/02/2001		1085.21	.00	
1999	46290	Y	1079.97	12/28/1999		1079.97	.00	
1998	46290	Y	1109.30	12/23/1998		1109.30	.00	
1997	42086	Y	919.01	12/12/1997		919.01	.00	

TOTAL	.00	.00	.00	
LAST PAYOR COUNTRYWIDE HOME LOANS			PAGE TOTAL	.00
NOTE EXISTS			CUMULATIVE TOTAL	.00
ENTER NEXT ACCOUNT				